

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE CHESTER COUNTY HOSPITAL	:	CIVIL ACTION
	:	NO. 02-2746
v.	:	
	:	
INDEPENDENCE BLUE CROSS,	:	
QCC INSURANCE COMPANY,	:	
KEYSTONE HEALTH PLAN EAST, and	:	
KEYSTONE MERCY HEALTH PLAN	:	

**PLAINTIFF THE CHESTER COUNTY HOSPITAL'S RESPONSE TO MULTIPLAN'S  
MOTION TO INTERVENE AND/OR FOR A PROTECTIVE ORDER**

Plaintiff, The Chester County Hospital (the "Hospital"), by its attorneys, respectfully submits this Response to MultiPlan's Motion to Intervene and/or for a Protective Order (the "Motion").

**RESPONSE**

The Hospital is not opposed to MultiPlan's Motion, but believes that the supplemental protections sought by MultiPlan – adding a new category of documents to the Court's January 24, 2003 Protective Order (the "Order"), and restricting disclosure of documents within this category to outside counsel – can be accomplished by granting the Hospital's Motion to Modify the Protective Order ("Motion to Modify"). Both the Hospital and MultiPlan seek changes to the Order that would restrict disclosure of competitively sensitive insurer reimbursement rate information to outside counsel.

The Order defines the category "highly confidential" as information or the contents of any document which satisfies the definition of "confidential information," and "(a) which the Disclosing Entity contends is either proprietary or a trade secret, or (b) which reveals health care provider reimbursement rates or the negotiation of such reimbursement rates with health care

providers.” *See* Order at ¶ 7. On May 30, 2003, the Hospital filed its Motion to Modify to extend the protections of the Order to MultiPlan and other insurers (the “Insurers”), and limit disclosure of category (b) material designated by the insurers as “highly confidential” to outside counsel.<sup>1</sup>

In its Motion, MultiPlan proposes a new category of documents to the Order, and proposes restricting disclosure of documents within this category to the entities listed in paragraphs 10(a)-10(i) of the Order, excluding paragraphs 10(b) and 10(g). These paragraphs, 10(b) and 10(g), control disclosure of highly confidential information to employees, including in-house counsel, of parties to this litigation. MultiPlan’s proposed protections are therefore consistent with the Hospital’s proposed modifications because both seek to restrict disclosure of insurer reimbursement rate information to outside counsel.

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<sup>1</sup> The Hospital also proposed to limit disclosure of category (a) material designated “highly confidential” by insurers to Defendant Independence Blue Cross (“IBC”) in-house counsel who are not involved in making competitive business decisions; to extend the protections of paragraph 10(a) of the Order to the insurers; and to make other fundamental but less important changes to the Order as reflected in the Motion to Modify.

**CONCLUSION**

For the foregoing reasons, The Chester County Hospital respectfully requests that its Motion to Modify be granted.

Respectfully Submitted,

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